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In re Application of SHINOHARA
U.S. Application No.: 10/506,878
PCT Application No.: PCT/JP03/02442
Int. Filing Date: 03 March 2003
Priority Date Claimed: 04 March 2002
Attorney Docket No.: 1087-2
For: BODY TEMPERATURE ELEVATING
AGENTS

DECISION

This is in response to applicant's "Petition Under 37 CFR 1.182 to Convert a PCT National Stage Application Filed Under 35 USC §371 to a United States Continuation Application Under 35 USC 111" filed 07 October 2004.

BACKGROUND

On 03 March 2003, applicant filed international application PCT/JP03/02442, which claimed priority of an earlier Japan application filed 04 March 2002. A copy of the international application was communicated to the USPTO from the International Bureau on 12 September 2003. The thirty-month period for paying the basic national fee in the United States expired on 04 September 2004.

On 03 September 2004, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 07 October 2004, applicant filed the present petition under 37 CFR 1.182.

DISCUSSION

The present petition requests conversion of the present national stage application to a continuation application under 35 U.S.C. 111(a). U.S. Statutes and Regulations do not make specific provision for the requested action and as such the Office does not grant such petitions for conversion as a mere matter of course. The Office will only grant such petitions upon a

showing by applicant of sufficient cause (e.g., the loss of patent rights) where no other remedy is available. In the present case, applicant has failed to make a showing of sufficient cause.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is DISMISSED without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.182". No additional petition fee is required.

Please direct further correspondence with respect to this matter to Mail Stop PCT; Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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